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Attorney for Plaintiff AZIN MORTAZAVI

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

AZIN MORTAZAVI

Plaintiff,

v.

ROSEMARY MELVILLE, District Director
 USCIS San Francisco District Office
 EMILIO T. GONZALEZ, Director, USCIS
 MICHAEL CHERTOFF, Secretary
 Department of Homeland Security
 MICHAEL MUKASEY, Attorney General,
 Department of Justice
 Defendants

No. C 07-3768 SI

**(PROPOSED) ORDER
 ON CROSS MOTIONS FOR
 SUMMARY JUDGMENT**

The Court finds that defendants have a non-discretionary duty to process Plaintiff's I-485 application within a reasonable period of time. Two years is presumptively an unreasonable length of time for Plaintiff's application to remain pending. Plaintiff's application has been pending approximately two years. Defendants have submitted no evidence attributing any part of this delay to Plaintiff or demonstrated any special circumstances justifying such a period of delay. Accordingly, the delay is unreasonable and Plaintiff is entitled to mandamus relief.

Mortazavi v. Melville (No. C 07-3768 SI)
 Plaintiff's Reply

1 It is hereby ORDERED that:

2
3 1. Plaintiff's Motion for Summary Judgment is GRANTED.

4 2. Defendant's Motion for Summary Judgment is DENIED.

5 3. Defendant Attorney General Mukasey shall complete the processing of
6 Plaintiff's name check forthwith.

7 4. Defendants shall make a decision on Plaintiff's I-485 application forthwith.

8 IT IS SO ORDERED.

9
10 Date:

SUSAN ILLSTON
United States District Judge